

REMARKS

Initially, in the Office Action dated October 24, 2003, the Examiner objects to claim 1 because of informalities. Claims 10-15 have been rejected under 35 U.S.C. §112, second paragraph. Claims 10-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,336,100 (Yamada) in view of U.S. Patent No. 5,948,040 (DeLorme et al.) and further in view of US 2001/0013007 A (Tsukuda).

By the present response, Applicant has amended claims 10 and 14 to further clarify the invention. Claims 12, 13, 16 and 17 have been canceled without prejudice or disclaimer. New claims 18 and 19 are presented for the Examiner's consideration. Claims 10, 11, 14, 15, 18 and 19 remain pending in the present application.

Claim Objections

Claim 1 has been objected to because of informalities. This claim has been canceled therefore rendering this objection moot.

35 U.S.C. §112 Rejections

Claims 10-15 have been rejected under 35 U.S.C. §112, second paragraph. The Examiner asserts that conditional statements starting with the term "when" render the claims indefinite since the Examiner is unclear what the scope of the claims is when the condition is false and, therefore, the Examiner assumes that the condition statements are false and has not considered these limitations in the analysis of the claims. Applicants are somewhat confused that the Examiner assumes that the limitations are false when the claims clearly recite that when the limitations are true, the rest of the limitations in the claims are valid. Further,

Applicants submit that there is no requirement for an Applicant to put in the claims all possibilities or results (or in this case the two results) that may exist based on a particular condition. Applicants may recite in the claims a particular condition that must exist before the following limitation may be executed or may be valid. There is no requirement to recite in the claims all possible states of a condition and associated actions. Moreover, Applicants submit that the claims in the present application were clear enough to allow a thorough examination of all limitations in the claims. However, in the interest of advancing prosecution of the present application, Applicants have amended the claims to further clarify the invention. Accordingly, Applicants respectfully request that these rejections be withdrawn.

Regarding claims 14 and 15, these limitations relate to “means for retrieving map information” and “means for preparing a delivery schedule” and, therefore, these claims may likely fall under §112, sixth paragraph.

35 U.S.C. §103 Rejections

Claims 10-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Yamada in view of DeLorme et al. and further in view of Tsukuda. Applicants respectfully traverse these rejections.

Tsukuda discloses a delivery managing system for managing delivery of a delivery goods from a distribution center through an agent to a receiver that includes a client, a distribution server, an agent server, a data transmission network through which said client, agent server, and distribution server are connected, means for determining date and time for delivery of the delivery goods, alternatively, for deciding the agent to be used, between the client and the distribution server, and

means for noticing of store-in and/or store-out of the delivery goods into and/or from the agent to at least one of the distribution server and the client.

Regarding claims 10, 14 and new claim 18. Applicants submit that neither Yamada, DeLorme et al., nor Tsukuda, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of these claims of, inter alia, determining that the selected receiving way indicates dealers capable of dealing or mediating merchandise as a delivery destination and retrieving map information by the map information display unit based on dealer information stored in the memory unit to provide the retrieved map information to the user terminal where the map information includes a dealer of the neighborhood of the delivery destination in the region of the map on the basis of a user's address or an address input by the user, or determining that the receiving way indicates a dealer and reading out order information written in the order data file and sending a notice of a predetermined format including information of a merchandise delivery schedule based on which arrival of the ordered merchandise is informed to a sales merchant, to a terminal of the dealer.

The Examiner recognizes the many shortcomings of the cited references. Specifically, the Examiner admits that Yamada does not disclose or suggest: that the merchandise information or the user provided input is written to an order file, monitoring inspection information indicating that the order merchandise has arrived at the dealer from the dealer terminal from the communication line in a predetermined period based on a delivery schedule, providing map information indicating dealers capable of dealing merchandise as a delivery destination, or

accepting the specific delivery destination based on the map information, or generating a delivery schedule on the basis of a condition of the contract by referring to information on past delivery schedules. The Examiner further admits that Tsukuda does not disclose or suggest that the contract is based on past delivery schedules.

The Examiner asserts that providing map information indicating dealers capable of dealing merchandise as a delivery destination or accepting the specific delivery destination based on the map information would be obvious to one of ordinary skill in the art based on DeLorme et al., Figs. 1B-1 and 1B-3. However, these figures merely disclose a "map ticket" travel plan output that includes pictures of maps. This is not retrieving map information by a map information display unit based on dealer information stored in a memory unit to provide the retrieved map information to a user terminal where the map information includes a dealer of a neighborhood of the delivery destination in the region of the map under the basis of a user's address or an address input by the user, as recited in the claims of the present application. Moreover, none of the cited references disclose or suggest retrieving the map information after determining that the selected receiving way indicates dealers capable of dealing or mediating merchandise at a delivery destination, as recited in the claims of the present application.

Applicants could find no portion of the Office Action where the Examiner specifically recites disclosure in any of the references that discloses or suggests sending a notice of a predetermined format including notice of a merchandise delivery schedule to a terminal of a dealer, as recited in the claims of the present

application. Applicants submit that none of the cited references disclose or suggest this limitation in the claims of the present application. Further, none of the cited references disclose or suggest sending a notice of a predetermined format including information of a merchandise delivery schedule based on which arrival of the ordered merchandise is informed to a sales merchant, to a terminal of the dealer after determining that the receiving way indicates a dealer, reading out order information written in the order data file.

Regarding claims 11, 15 and new claim 19, Applicants submit that these claims are dependent on one of independent claims 10, 14 and 18 and, therefore, are patentable at least for the same reasons noted regarding these independent claims. For example, none of the cited references disclose or suggest determining that the merchandise inspection information exists and monitoring whether delivery information indicating that the merchandise has been handed over to the user at the dealer is received from the dealer in the predetermined period through the communication line.

Accordingly, Applicants submit that none of the cited references taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 10, 11, 14, 15 and new claims 18 and 19 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

In view of the foregoing amendments and remarks, Applicants submit that claims 10, 11, 14, 15, 18 and 19 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

U.S. Application No. 09/604,246

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing attorney docket no. 500.38711X00).

Respectfully submitted,

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